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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/847,145
Filing Date: May 02, 2001
Appellant(s): THEIMER, WOLFGANG

Perman & Green, LLP
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/25/07 appealing from the Office action mailed 2/23/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,397,186	Bush et al.	05-2002
5,774,859	Houser et al.	05-1998
GB 2275800 A	Osawa et al.	09-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush"), in view of Houser et al. ("Houser").

As per claim 1, Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising a plurality of application devices comprising identifying control information received from a user independently of a permanently predetermined menu structure (col. 5, lines 23-32), an instruction of the control information input is interpreted in accordance with available ones of the application devices by checking whether the control information is known, unambiguous and complete for one of the application devices and an application device is controlled in accordance with the result of the interpretation (col. 5, lines 23-32; col. 22, lines 42-47; *the instruction "turn to channel 123" are determined for the keyword "Sports" in the*

keyword data bank and interpreted in accordance with the TV device by checking whether 'Sports' is known, unambiguous and complete for the TV device).

Bush does not explicitly disclose that in case of ambiguity of the control information, the user is signaled to enter further control information relating to a selection of possible applications to which the ambiguous control information can be applied until the totality of inputted control information is unambiguous. Houser teaches that in case of ambiguity of the control information, the user is signaled to enter further control information relating to a selection of possible applications to which the ambiguous control information can be applied until the totality of inputted control information is unambiguous (col. 19, lines 34-46). It would have been obvious to an artisan at the time of the invention to incorporate the method of Houser with the method of Bush in order to improve the recognition rate of the commands spoken by the user.

As per claim 2, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising at least one application device characterized in that the control information specified by a user is signaled back to the user as announcement or indication for the purpose of acknowledgement (Bush: col. 5, lines 30-32; col. 22, lines 42-47; *upon turning to channel 123, user's selection is confirmed*).

As per claim 3, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising control information input that allows a number of possibilities for its interpretation (Bush: col. 22, lines 42-47). Furthermore, the modified Bush teaches a method for controlling a system, especially

an electrical and/or electronic system, wherein a number of possibilities for interpreting an input is signaled back as a selection list (Houser: col. 19, lines 44-46; *when there are a number of possibilities for interpreting input "GOTO CHANNEL SIXTEEN", a list of two possible interpretations is signaled to the user*).

As per claim 4, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, characterized in that control information input which cannot be reliably interpreted is correspondingly marked in the return signaling (Bush: col.22, lines 42-46; *control information input which cannot be reliably interpreted is consequently/correspondingly defined and evident or apparent/marked in the return signaling*).

As per claim 5, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising at least one application device characterized in that a check is made whether the control information is complete to execute a requested action (Bush: col. 22, lines 42-47). Furthermore, the modified teaches a method for controlling a system, especially an electrical and/or electronic system, comprising requesting the user to complete the control information if the control information is found to be incomplete during a check to execute a requested action (Houser: col. 19, lines 34-46).

As per claim 6, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising at least one application device characterized in that the control information input as keyword or keywords is

compared with stored keywords for the purpose of interpretation (Bush: col. 5, lines 23-32; col. 22, lines 42-47).

As per claim 7, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising at least one application device characterized in that the available application devices, control instructions and control parameters are stored as keywords as control information (Bush: col. 5, lines 23-32; *i.e. control destination parameters such as "3" and control information item input such as "Sport", wherein control information can be input in the following form: "TV" "Sport"*).

As per claim 8, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, characterized in that control parameters are stored as lists (Bush: fig. 2a; *e.g. memory, RAM; memory is an array that is a list and RAM is a kind of memory array that is a list*).

As per claim 10, although Bush teaches a method for controlling a system having a plurality of application devices, the method comprising the steps of identifying received control information being inputted by a user of the system independently of a permanently predetermined menu structure (col. 5, lines 23-32), enabling the user to enter an instruction of the control information for one of the application devices and interpreting an instruction of the control information in accordance with available ones of the application devices by checking whether the control information is known, unambiguous and complete for one of the application devices and controlling the one application device in accordance with the result of the interpretation (col. 5, lines 30-32;

col. 22, lines 42-47; *the instruction "turn to channel 123" are determined for the keyword 'Sports' in the keyword data bank and interpreted in accordance with the TV device by checking whether "Sports" is known, unambiguous and complete for the TV device*),

Bush does not explicitly disclose that in case of ambiguity of the control information, the user is signaled to enter further control information relating to a selection of possible applications to which ambiguous control information can be applied until the totality of inputted control information is unambiguous wherein the signaling to the user is independent of a permanently predetermined menu structure (col. 19, lines 34-46). Houser teaches that in case of ambiguity of the control information, the user is signaled to enter further control information relating to a selection of possible applications to which ambiguous control information can be applied until the totality of inputted control information is unambiguous wherein the signaling to the user is independent of a permanently predetermined menu structure (col. 19, lines 34-46; *signaling to the user to make a decision about a lack of knowledge or ambiguity or incompleteness of the control information, the signaling enables/allows the user to enter a response to make sure that the control information is known, unambiguous and complete*). It would have been obvious to an artisan at the time of the invention to incorporate the method of Houser with the method of Bush in order to improve the recognition rate of the commands spoken by the user.

As per claim 11, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising checking whether a control information input is unknown, ambiguous or incomplete for one of the application

devices (Bush: col. 5, lines 30-32; col. 22, lines 42-47). Furthermore, the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, wherein further information is requested in response to the control information being unknown, ambiguous or incomplete (Houser: col. 19, lines 34-46).

Claims 12 and 14 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 13 and 21 are individually similar in scope to claim 11 and are therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 6 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 7 and is therefore rejected under similar rationale.

As per claim 22, Bush teaches a method for controlling a system, especially an electrical and/or electronic system comprising a plurality of application devices, the

method comprising: identifying received control information being inputted by a user of the system (col. 5, lines 23-32); interpreting the control information in accordance with available ones of the application devices to determine if the control information is a valid input for one or more of the application devices, the interpreting including a determining of whether the control information is known, unambiguous and complete for one of the application devices and controlling said one application device in accordance with the result of the interpretation upon a determination that the control information is known, unambiguous and complete for one of the application devices (col. 5, lines 30-32; col. 22, lines 42-47).

Bush does not explicitly disclose signaling the user to enter further data for resolving an unknown control information, an ambiguous control information, and/or an incomplete control information to control said one application device. Houser teaches signaling the user to enter further data for resolving an unknown control information, an ambiguous control information, and/or an incomplete control information to control said one application device upon a determination that the control information is unknown, or ambiguous with respect to a plurality of said application devices and/or with respect to a plurality of functions within one of said application devices, or incomplete for said one application device (col. 19, lines 34-46). It would have been obvious to an artisan at the time of the invention to incorporate the method of Houser with the method of Bush in order to improve the recognition rate of the commands spoken by the user.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush") in view of Houser et al. ("Houser") as applied to claim 7, and further in view of Osawa.

As per claim 9, although the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising storing control instructions for the application devices affected and the control parameters needed in each case to execute the instructions (fig. 2a *and respective portions of the specification*; col. 5, lines 23-32), the modified Bush does not explicitly disclose using data records. Osawa teaches a method for controlling a system, especially an electrical and/or electronic system, comprising using data records (fig. 4; page 9, lines 11-14; page 10, lines 17-22; *depicted is a table containing multiple data fields wherein each row in the table constitutes a data record, i.e. each row contain more than one data field and different rows contain similar data, therefore, each row is called a data record*). It would have been obvious to an artisan at the time of the invention to incorporate the method of Osawa with the modified method of Bush in order to provide users with data organizational capabilities.

The modified Bush still does not explicitly disclose the control instruction being stored together with dummy codes for the applications devices affected. Official Notice is taken that using a dummy to reserve space is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of a dummy to the modified method of Bush so that space may be reserved until the intended item is available.

(10) Response to Argument

Appellant's arguments filed 10/25/07 have been fully considered but they are not persuasive.

Appellant argued:

Bush and Houser fail to disclose control information being known, unambiguous and complete. Furthermore, Houser's teachings are believed to negate any motivation to combine the references.

The Office disagrees for the following reasons:

It appears appellant is reading limitations into the claims. Houser's system handles ambiguous input by offering choices as admitted by applicant on pages 16 and 17 of the remarks. In order for Houser's voice recognition system to activate the action corresponding to user's spoken command, the command has to be known, unambiguous and complete, moreover, Houser's system is also capable of resolving cases where the command is ambiguous (col. 19, lines 34-36). Therefore, Houser's system reads on the claim limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to do so was found in the references themselves, i.e. to incorporate the method of Houser with the method of Bush in order to improve the recognition rate of the commands spoken by the user (Houser: col. 32, lines 56-59)

Art Unit: 2174

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Le Nguyen

/Le Nguyen/

Examiner, Art Unit 2174

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/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174

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